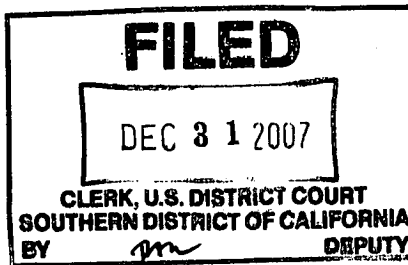


105A



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Edgar Francisco KETCHUL-Cuevas

Defendant.

Magistrate Case No.:

'07 MJ 9002

COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about December 29, 2007, within the Southern District of California, defendant Edgar Francisco KETCHUL-Cuevas did knowingly and intentionally import approximately 32.16 kilograms (70.75 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Luis Saenz, Special Agent
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 31st
DAY OF DECEMBER 2007.


Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 **PROBABLE CAUSE STATEMENT**

2 This Probable Cause Statement is based on the reports, documents, and notes furnished to
3 United States Immigration and Customs Enforcement Special Agent Luis A. Saenz. I, United
4 States Immigration and Customs Enforcement Special Agent Luis A. Saenz, declare under
5 penalty of perjury, the following is true and correct:

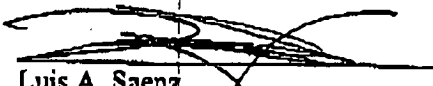
6 On December 29, 2007, at approximately 1020 hours, Edgar Francisco KETCHUL-Cuevas
7 attempted to enter the United States from the Republic of Mexico at the Calexico, CA West Port
8 of Entry. KETCHUL was the driver and sole occupant of a 1992 Ford Explorer.

9 KETCHUL gave negative Customs declarations to Customs and Border Protection
10 Officer (CBPO) J. Silva-Lopez. KETCHUL presented his valid DSP-150 (Border Crosser
11 Cards) to CBPO Silva-Lopez to facilitate their admission to the United States. CBPO Silva-
12 Lopez asked KETCHUL if he was the owner of the vehicle. KETCHUL stated he owned the
13 vehicle for approximately two weeks. KETCHUL further stated to CBPO Silva-Lopez they were
14 going shopping in Calexico, California. CBPO Silva-Lopez noticed KETCHUL seemed nervous
15 and elected to refer KETCHUL and the vehicle he was driving to the Vehicle Secondary Area for
16 further inspection.

17 In the Vehicle Secondary Area, CBPO E. Hernandez conducted a secondary inspection of
18 the vehicle driven by KETCHUL. A canine inspection of the vehicle was solicited, resulting in
19 an alert by the canine unit. CBPO Hernandez discovered thirty-four (34) packages, with a
20 combined weight of 32.16 kilograms (70.75 pounds) of marijuana, concealed within the spare
21 tire and gas tank of the vehicle driven by KETCHUL. CBPO Hernandez probed a package and it
22 produced a green leafy substance that field-tested positive for marijuana.

23 KETCHUL was arrested for importation of marijuana into the United States. KETCHUL
24 was advised of his rights pursuant Miranda. He acknowledged and waived those rights.
25 KETCHUL stated to Special Agent Saenz, he was to be paid \$1600.00 for driving the vehicle
26 with narcotics into the United States.

27 Executed on December 30, 2007 at 07:30 A.M.

28 
Luis A. Saenz
Immigration and Customs Enforcement
Special Agent

29 On the basis of the facts presented in the probable cause statement consisting of one page,
I find probable cause to believe that the defendant(s) named in this probable cause statement
committed the offense on December 29, 2007 in violation of Title 21, United States Code,
Sections 952 and 960.

30 
The Honorable Cathy A. Bencivengo
United States Magistrate Judge

31 12/30/07 @ 9:30 AM
Date/Time